

**Use of Force:**  
*NM Law Enforcement Academy Core Curriculum*  
Instructor Guide



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COURSE TITLE: Use of Force: NM Law Enforcement Academy Core Curriculum

## INSTRUCTIONAL GOALS:

1. To present and review information that impacts the officer's use of force "decision making" process. This includes a review of United States Constitutional Law, applicable state law, agency policy, case law, civil law, civil liability (both state and federal), the Law Enforcement Code of Ethics, training, technology, and officer experience.
2. The course will offer the student an opportunity to analyze scenarios from real life situations (by videos or incident description) and apply the legal standards to determine the appropriateness of the actions of the involved officers.

## INSTRUCTIONAL OBJECTIVES:

Upon completion of this block of instruction the participant will be able to:

1. Identify what guides a police officer in the use of force decision.
2. Identify the Constitutional protections and relevant laws that apply to law enforcement use of force.
3. Determine how and why civil liability is created.
4. Determine what case law is relevant to law enforcement use of force.
5. Identify the importance of proper documentation of use of force incidents.
6. Apply pertinent case law to use of force situations and determine the validity of the officer's actions
7. Identify weapons and their potential for harm

INSTRUCTIONAL METHODS: Lecture, Class participation

## HANDOUTS:

COURSE DURATION: 12 hours



CURRICULUM REFERENCES: Hart, Darrel et al., Police Use of Force – A Line Officer’s Guide, Varro Press, KS, Oct. 1998  
Deadly Force – What We Know; Police Executive Research Forum; 1991, PERF, Washington, DC  
Police Use of Force – Collection of National Data; U.S. Department of Justice, Bureau of Justice Statistics; Nov. 1997  
United States Constitution  
IACP & ASLET seminars, articles  
Crime Control Digest, articles 1990-1999  
The Force Factor, Police Executive Research Forum; 1997  
PERF, Washington, DC  
Laws of Arrest – Force; three part video, Law Enforcement Resource Center, 1994  
Rose, Dave & Warren, Rocky, Police Use of Force Case Law; Varro Press, 2008  
Ross, Darrell L. et al., Analyzing Perceptions and Misperceptions of Police Officers in Lethal Force Virtual Simulator Scenarios; Law Enforcement Executive Forum, 2012  
Alpert, Geoffrey P., PhD, et al., Police Use-of-Force Outcomes: Injuries and Control; The Police Chief: The Professional Voice of Law Enforcement; December 2013

SAFETY CONSIDERATION: None

EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED: ppt,

TARGET AUDIENCE: Certified Law Enforcement Officers

COURSE PREREQUISITES: None

INSTRUCTOR RATIO: 1:60

EVALUATION STRATEGY: 100% participation

AUTHOR &  
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REVISED / REVIEWED BY: M. Overby et al.



## **I. Introduction**

- A. As officers we are forced to make split second decisions that occasionally involve life and death. At a minimum, removing a citizen's civil liberties when required and using force to do so is a great responsibility we have been charged with and shouldn't be taken lightly. We must consider a multitude of information up to and during our decisions to use force at any level. But it doesn't begin at the incident. It begins here, when all is calm and quiet.

During this course we will discuss information that impacts the officer's use of force "decision making" process, review United States Constitutional Law, applicable state law, agency policy, State and Federal case law, civil law, civil liability (both state and federal), the Law Enforcement Code of Ethics, training, technology, and officer experience. We will also be analyzing scenarios from real life situations (by videos or incident description) and applying the legal standard to determine the appropriateness of the actions of the involved officers.

## **II. Discuss student's experiences with various levels of force and the causes.**

- A. Survey the class and ask them to talk about their use of force experiences to this point. The instructor shouldn't correct verbiage or justifications but take note of terms used and details provided in preparation for revisiting at the end of the course.

## **III. Definitions of terms involved in the judgment in "Use of Force Incidents.**

- A. Deadly force vs. less than deadly force (less lethal)
1. Deadly Force: Any action by the manner in which it is used, is likely to cause serious bodily injury or death
  2. Less than deadly force: Any force or action not likely to cause serious bodily injury or death.
- B. Serious bodily injury
1. Bodily injury which involves substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ or mental faculty.
- C. Non serious injury
1. Painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body.
- D. Weapons and their potential lethality
1. Firearms
  2. Knives
  3. Blunt objects

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4. When facing one of these weapons, a reasonable officer would believe they or someone else may receive serious bodily injury or death depending on the immediacy of the attack.
- E. “Objectively reasonable”
1. The amount of force which is fair and appropriate given the totality of the circumstances.
  2. Factors which must be weighed in determining objective reasonableness:
    - a) The scope of the intrusion (degree & extent of force used).
    - b) The type of force used.
    - c) Place where the use of force occurred.
    - d) The need to perform official duties.
    - e) Justification for the use of force.
    - f) Facts and circumstances.
    - g) Severity of the crime involved.
    - h) Did the suspect pose an imminent threat to the officers or others?
    - i) Did the suspect actively resist?
    - j) Did the suspect attempt to evade arrest by fleeing?
  3. **Cannot view in light of 20/20 hindsight.**
- F. Show of force vs. Use of force
1. Use of force-Any action that has the potential for tissue damage that cannot be taken/called back
  2. Show of force-demonstrating the ability to use force but not putting it into action. No tissue damage and can be recalled.
- G. Disparity of force
1. Positive (tactical advantage) vs. Negative (ask the students to identify from the list below)
    - a) Greater numbers of officers than assailants
    - b) Greater numbers of assailants than officers
    - c) Physically larger assailant than officer
    - d) Tools and training of officer
    - e) Training and skills of assailant
    - f) Weapons carried/used by assailant
    - g) Cover or concealment
    - h) Injuries to the officer
- H. Excessive force
1. Usually involves officer anger and frustration
  2. Minor amounts of force when no force was necessary. After the offender is controlled and the officer continues to use force, it could be considered “punishment”.



3. Involves limited/minor injury
- I. Brutality
  1. Involves criminal activity by the officer
  2. Usually involves minor to severe injuries
  3. Often involves actions that serve to “shock the conscience”.

#### IV. Constitutional Law – Fundamental Protections

- A. 4th Amendment: Protection from unreasonable searches and seizures. This is currently the primary standard applied in the review of a law enforcement officer’s use of force. *Graham v. Conner* is the U.S. Supreme Court case that set this standard in 1989. It is viewed from the perspective of the reasonable officer and not with **20/20 hindsight**. (Discuss details under case law section)
  - ***The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.***
- B. 5th amendment: Due process protections.
  - “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, ***nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.***”
- C. 8th amendment: Protection from cruel and unusual punishment.
  - Excessive bail shall not be required, nor excessive fines imposed, ***nor cruel and unusual punishments inflicted.***
- D. 14th Amendment: Due process protections.
  - **Section 1.** “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall

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abridge the privileges or immunities of citizens of the United States; nor shall any State **deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**"

- The Due Process Clause of the Fourteenth Amendment applies against **only the states**, but it is otherwise textually identical to the Due Process Clause of the Fifth Amendment, which applies against the federal government; both clauses have been interpreted to contain identical doctrines of procedural due process and substantive due process. Procedural due process is the guarantee of a fair legal process when the government seeks to burden a person's protected interests in life, liberty, or property, and substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government.

## V. Civil Liability – Federal Level

- A. 42 USC § 1983, Liability created, constitutional protections.
- Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.
- B. Discuss negligent actions:
1. City of Canton (Ohio) vs. Harris
    - a) Law enforcement officers must be trained in their duties if they are expected to make decisions regarding use of force, domestic violence, medical care and other foreseeable duties training should take place.
    - b) Discuss deliberate indifference
  2. Owens vs. Haas
    - a) Training must be "street real" as much as safety will allow.
  3. McClelland vs. Facticeau
    - a) Budgetary constraints have not been considered a defense for not training. (Department's should use the money they would have spent on law suits on training...to avoid law suits)

INSTRUCTOR NOTES

4. Anderson vs. Creighton
    - a) A reasonably trained officer is the standard by which liability will be measured. If an officer is well trained, the agency and the officer are less likely to assume liability and a higher likelihood of the application of qualified immunity.
  5. Parker vs. District of Columbia
    - a) Agencies must provide training in areas officers are expected to perform
    - b) Agencies must ensure their officers are physically fit and provide opportunities to stay physically fit
      - i) "34. It is undisputed that Officer Hayes had no physical training for four years prior to the Parker incident. Indeed, he was off duty because of a fractured shoulder until just two months before the incident that gave rise to this lawsuit. Given Officer Hayes' physical condition, it is not hard to fathom that his most effective method for subduing the objects of his pursuits would be the use of a firearm as opposed to the application of physical force. Officer Hayes simply was not in adequate physical shape. This condition posed a foreseeable risk of harm to others. We are persuaded that a fair-minded jury could have concluded that Officer Hayes' conduct was the result of deliberate indifference on the part of the District with respect to the physical training of its police officers."
  6. Training/Failure to Train
  7. Failure to Supervise ->. deliberate indifference
- C. Qualified Immunity under 42 U.S.C. § 1983
1. Shields government officials from liability provided their actions were:
    - a) Reasonable under the circumstances
    - b) Did not violate "clearly established law"
    - c) Saucier vs. Katz:
      - i) In 1994 at an event in San Francisco, CA, Elliot Katz was protesting the use of animals for experimentation when military police officers rushed him to a van and "shoved or threw" him inside. He claimed they MPs used excessive force against him. The Supreme Court granted qualified immunity, why?
      - ii) The Supreme Court held that qualified immunity analysis must proceed in two steps. First, a court must ask whether "the facts alleged show the officer's conduct violated a constitutional right." Second, if a constitutional right was violated, the court then would go on to determine whether the constitutional right was "clearly established".





- iii) In 2009 the Supreme Court decision in *Pearson v. Callahan* modified the two-step immunity analysis from *Saucier* to make the application less restrictive. Where *Saucier* required courts to confront the first prong of the analysis before moving on to the second, *Pearson* says "the *Saucier* protocol should not be regarded as mandatory in all cases." And a court can in fact consider the clarity of the law before considering the constitutional right.

D. Bivens vs. Six Unknown Federal Agents

## VI. Civil Liability – State Level

New Mexico Tort Claims Act, 41-4-12

## VII. New Mexico Law

- A. 30-2-6. Justifiable Homicide by Public Officer or Public Employee
  - 1. Overcome Resistance
  - 2. Fleeing Felon
  - 3. Escaping Felon
  - 4. All of the above based on the officer's determination there is probable cause to believe the physical harm or death are threatened.
- B. 30-3-4. Battery
  - 1. Battery is the unlawful, intentional touching or application of force to the person of another, when done in a rude, insolent or angry manner.
- C. 30-3-5. Aggravated battery.
  - 1. Aggravated battery consists of the unlawful touching or application of force to the person of another with intent to injure that person or another.
  - 2. Whoever commits aggravated battery, inflicting an injury to the person which is not likely to cause death or great bodily harm, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body, is guilty of a misdemeanor.
  - 3. Whoever commits aggravated battery inflicting great bodily harm or does so with a deadly weapon or does so in any manner whereby great bodily harm or death can be inflicted is guilty of a third degree felony.

## VIII. Code of Ethics/Code of Conduct

- A. Law Enforcement Code of Ethics (show the IACP code)

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1. When we take an oath to never betray the public trust and uphold the constitution, we make a promise to always act in good faith and maintain the integrity of our citizen's civil liberties. That includes not using an unnecessary amount of force or violence.
- B. Code of Conduct
1. "All employees shall be courteous to the public, supervisors and all other employees, as well as any person the employee has contact with during the performance of his/her duties and responsibilities. Employees shall be tactful in the performance of their duties, **shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.** In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, sex, lifestyle or similar characteristics. When any person requests assistance or advice, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon." (10 NMAC 5.100.8)
  2. Officers should not, inflict pain or suffering with malice or just because they can.
  3. Officers should not be cruel, degrading or in any other way demonstrate inhumane treatment to others

## IX. Agency Policy Discussion

- A. Typical terms:
1. Reasonable/Prudent
  2. Necessary to stop the action vs. under control
  3. Objectively Reasonable vs. Minimum to effect the arrest
  4. Probable Cause
  5. Reasonable Suspicion
  6. "It is the policy of the Department of Public Safety that officers use only the force necessary to effectively bring an incident under control, while protecting the lives of the officer and others and while accomplishing lawful objectives. It must be stressed that the use of force is not left to the unfettered discretion of the involved officers. This is not a subjective determination. The use of force must be **objectively reasonable**." (NMDPS OPR .01)

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**B. Issues**

1. An ongoing evaluation of current policies should take place to ensure policy documents reflect current case law as well as current best practices.
2. To achieve current best practices, research and review should be performed to compare existing policies to other agency policies.
3. Officers should be trained regarding their respective policies, using as realistic training as is possible and safe.
4. Policies should also identify directives with regard to handling responses to complaints from:
  - a) Citizens
  - b) Officers
  - c) Supervisors

- C. Policies should also outline procedures for discipline and they should be followed as closely and consistently as possible. Documentation of all complaints and resulting disciplinary actions will help reduce the potential liability agencies face regarding use of force incidences.

**X. Case Law**

- A. 1979 USDC Popow v. Margate; Realistic firearms training
1. Officers chasing kidnapping suspect, shots fired, innocent bystander (Popow) killed by stray round
  2. Court looked to relevance, realism and length of time since the last training of the officer
  3. Training specific to circumstances i.e. moving targets, night shooting
- B. 1985 USSC Tennessee v. Garner; Deadly force and fleeing felon
1. Class discussion
  2. Officer must have probable cause to believe the subject poses an immediate threat of death or serious bodily injury to himself or another
  3. When feasible, a warning must be given prior to using deadly force
- C. 1989 USSC Graham v. Conner; Reasonableness standard, 4th Amendment
1. Class discussion
  2. All law enforcement use of force claims are to be judged by the 4<sup>th</sup> Amendment reasonableness standard, not the substantive due process standard from before
  3. Objectively reasonable test
  4. Similarly trained/experienced officer under those circumstances
  5. No hindsight 20/20

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- D. 1991 FCA Davis v. Mason County; Constitutional when & when not to use force, not only how
- E. Samuels v. Cunningham et al., 2003 U.S. Dist. LEXIS 14479 (Dist. Del. 2003)
- F. Jones v. City of Hartford, 2003 U.S. Dist. LEXIS 17340 (Dist. CT. 2003)
- G. Beaver v. City of Federal Way; Taser, 2007 U.S. Dist. Lexis 64665 (District Washington)

## **XI. Application**

- A. View and analyze actions seen on video
  - 1. Baton Rouge hair pulling
  - 2. Chicago shooting
  - 3. Questa Officer
- B. Actual cases from New Mexico
  - 1. Parra v. Las Cruces, 20/20 hindsight
  - 2. Green v. Albuquerque, documentation
- C. Student participation
  - 1. Review
  - 2. Dissect

## **XII. Litigation Strategies**

- A. Protect yourself up front
  - 1. Reports, documentation, detail, photos
    - a) Study any and all information you have regarding the individual or address you are responding to. Get as much information as you can regarding the call. The more information you take with you the better you will be able to make objectively reasonable and justified decisions.
  - 2. Policy & procedures in place
    - a) Understand them and comply with them
  - 3. Training: ongoing with documentation
  - 4. Complaint response
  - 5. Discipline
    - a) Practice good habits
- B. After the fact
  - 1. Rebuild the facts: reports, depositions, evidence
  - 2. Ask yourself: "Why did I use that level of force?"





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3. Include as much detail as possible
    - a) Set the stage (why were you there, history, previous calls/knowledge)
    - b) Give full physical description (characteristics)
    - c) Describe suspect's behavior
    - d) Include suspect's statements
    - e) Step by step, chronological order of details
    - f) Describe your actions/reactions and why
  - B. Analysis
    1. Up to your Administration/IA team, but you should expect a comprehensive evaluation of all use of force cases using the "objective reasonable" standard.
      - a) Give as much detail as possible in your report to help them make fair and accurate decisions
  - D. Litigation
    1. Preparation
      - a) Review your reports and digital evidence
    2. Be human, personable & not robotic.
      - a) Speak in normal language not police jargon
    3. Be respectful
  - E. Officer Stress
    1. Preparation – it will happen
      - a) Families, friends, co-workers may notice changes in demeanor
      - b) Find someone to talk to i.e. spouse/therapist/clergy
        - i) Some conversations are protected and some are not.
        - ii) Conversations involving threats to harm yourself or others are not protected conversations
  - F. Supervisors, co-workers
    1. Look for signs of stress/danger in each others, especially if they have been involved in any use of force incident.
      - a) Changes in attitude
        - i) Class discussion
      - b) Work habits altered
        - i) Class discussion
      - c) Inappropriate stress relief mechanisms
        - i) Class discussion

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**XIII. Law Enforcement Officers Killed/Assaulted Statistics**

- A. Three types of contacts
  - 1. Voluntary and cooperative
  - 2. Investigative
  - 3. Arrest
- B. Why are officers assaulted?
  - 1. Overflow of violence
  - 2. Hatred
  - 3. Escape (touching)
  - 4. Protection of another
- C. Statistically, 99% of all officer contacts are peaceful and end without incident. Only approximately 1% involve some level of force to bring the subject or situation under control (Alpert, Geoffrey P., PhD, et al, 2013).
- D. Review current statistics related to officer safety and welfare (www.fbi.gov UCR 2013)
  - 1. Percentage of assaults involving less than lethal attacks
    - a) 2003-2012: 81% involve less than lethal
    - b) 2012: 80% involve less than lethal
  - 2. Percentage of assaults involving lethal attacks
    - a) 2003-2012: 19% Involve lethal attacks
      - i) 1.7%-Knife
      - ii) 3.6%-gun
      - iii) 14%-other weapon
- E. Pre-assault indicators (The following should not be taken solely but should be viewed in context with the totality of the circumstances. Each behavior, in and of itself is not necessarily a precursor to an attack.)
  - 1. Cold/blank stare
  - 2. Refusing to make eye contact
  - 3. Nervousness/fidgety
  - 4. Argumentative
  - 5. Refusing to follow directions/commands
  - 6. Ignoring directions/commands
  - 7. Clenching fists
  - 8. Gritting/clenching jaws
  - 9. Removing articles of clothing (hat, coat, wrist watch)
  - 10. Chuckling or laughing for no apparent reason
  - 11. Chuckling or laughing at your directions/commands
  - 12. Bazaar or irrational behavior

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13. Yelling/screaming or other acts of aggression
- F. Dynamics of the fight/attack
1. Tueller drill
    - a) 21' in 1.5 seconds
    - b) Draw and fire two rounds 1.5 - 2 seconds
    - c) Who wins in a tie? Can you afford a tie?
  2. 21' vs. 30'
  3. Action always beats reaction (see Three Stage Process to Reacting and Dynamics of closing distance slides)
    - a) Stimulus (perception of the threat)>Response decision>Performance action
    - b) Unless your awareness and preparation aids in shaving seconds or milliseconds
      - i) Hand clap drill
      - ii) Red gun drill
      - iii) Red gun at low and sights on target drill
      - iv) Zero response distance at 3ft. or less
      - v) Subject with back turned drills
  4. Distance and angles are our friends
    - a) The greater distance you are from an attacker, the more time you will have to react if an attack comes
    - b) Changing your position to create angles also creates distance and increases the amount of time you have to react. By changing your position, that causes the attacker to adjust the attack thereby causing him to cover more distance and taking more time to do so.
  5. Closing distance: overt action that moves the subject from a threat to attacking, creates an opportunity to complete an attack
    - a) I.A.M.O
      - i) Intent
      - ii) Ability
      - iii) Means
      - iv) Opportunity
    - b) Intensity and speed of the attack (see ppt. slides re: dynamics of closing distance)
    - c) With gun (see Dynamics of closing distance with firearms slide)
    - d) With weapon other than a gun
- G. Force options
1. Dependant on the totality of the circumstances (Officers should always use verbal persuasion and/or commands to attempt control. Verbal techniques can be used alone or in combination with a level of force needed for defense or control)
    - a) Level of crime committed by the subject



- i) Felony vs. misdemeanor
  - ii) Aggravating circumstances
- b) Level of resistance given by the subject (fleeing?)
  - i) Passive vs. active resistance
    - (a) Passive resistance: At the officer's discretion, any empty handed skill or technique can be used to bring the subject under control considering the totality of the circumstances
    - (b) Active resistance: At the officer's discretion, any skill or technique less than deadly force can be used considering the totality of the circumstances.
      - (i) Discuss the circumstances where the use of OC, Taser and baton might or might not be used here.
      - (ii) Consider size disparities, skill disparities, numbers disparities both positive and negative.
- c) Level of threat presented by the subject
  - i) Armed vs. unarmed assault
  - ii) Discuss force options when presented with unarmed assault
    - (a) Reaction times/distance
    - (b) Empty hand techniques/takedowns used for defense and control
    - (c) Baton (can this be considered deadly force? Depends on the manner used)
    - (d) Taser (can this be considered deadly force? Depends on the circumstances. Tasing a subject on a roof that he/she would likely fall from and be severely injured or die could be considered deadly force)
    - (e) Bean bags
    - (f) Rubber rounds
    - (g) Pepper ball rounds
    - (h) Canine
  - iii) Discuss force options when presented with armed assault
    - (a) Anything by the manner used that a reasonable person would believe likely to cause serious bodily injury or death
    - (b) Does the type of weapon presented by the assailant matter? YES! If the officer does not feel that the attacker can harm the officer or others with great bodily harm or death using a sweater, the officer cannot use deadly force. However, if the attacker overpowers the officer in a struggle or by surprise and uses the sweater to choke the officer or someone else, then deadly force is and should be an option.





- (c) According to *Graham vs. Conner*
  - (i) Officers don't have to use lower levels of force when a reasonable officer can see that if the lower level of force failed, the consequences would be great bodily harm or death to the officer or public
  - (ii) Officers should be able to explain in simple language why lower levels of force would not have worked to defend or control the offender and the level of potential harm to the officer or others if the offender completed his/her action.
- (d) Discuss types of deadly force "tools"
  - (i) Gun
  - (ii) Car
  - (iii) Others (weapons of opportunity....anything by the manner used that a reasonable person would believe is likely to cause serious bodily injury or death)
- d) Immediacy of the threat to the officer or others
- e) Government's interest in capture/stop vs. subject's interest in remaining free (from capture, from physical harm/death)

#### **XIV. Review Student's previous use of force situations and have them analyze them using the objective reasonableness standard**

Have the students explain/justify their actions in simple terms following the standards set forth by case law. Provide coaching with regard to details, chronology and easily understandable terminology.

#### **XV. Summary**

- A. In this course we talked about *Graham vs. Conner* and *Tennessee vs. Garner*, the primary case laws that set the foundation for our use of force decisions and training. We talked about the "objectively reasonable" standard and how our actions in use of force incidences will be analyzed and judged. We talked about how important it is to properly and completely document use of force incidences as well as how to limit yours and your agency's liability. We also talked about training and the importance of realistic training. Training is especially important because training for use of force incidents cannot begin when the incident is at hand. When an officer is involved in a use of force incident, the time for training stops and the officer must act. It's at that time when the officer will rely on his/her training to bring the violence to an end to survive the fight. When all is calm again, we can review the officer's actions and learn from the incident. To increase our effectiveness, we must train early, train well and train often. And lastly we talked about behavior indicators that might predict
- B.



violence, some of the reasons for violent attacks on police officers and certain dynamics of the attack relative to various levels of force.

- C. It is imperative that we stay vigilant, keep calm and treat everyone with respect. As officers we can use force at any level that is appropriate to the circumstances but the challenge will be to control your emotions and separate them from what you are trying to accomplish. And that is to effectively and efficiently bring the incident to a safe and complete end using a level of force that is appropriate and **objectively reasonable**, considering the **totality** of the circumstances.



## **COURSE AUDIT**

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF (i.e.: Scenario Managers, Role Players, etc):

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

RECOMMENDED CURRICULUM CHANGES: Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)



**COURSE AUDIT** (Continued)

ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

☐ Alternative curriculum was taught.

Accreditation number of alternative curriculum:

SIGNATURE

DATE

Primary Instructor

Reviewed by Program Coordinator

Reviewed by

Reviewed by Director/Chief or Designee

